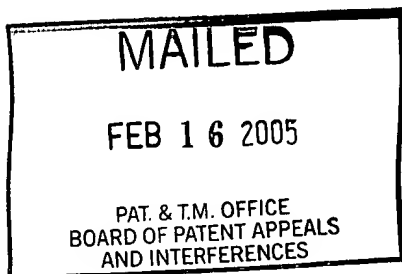




## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally C. Medley  
Telephone: (571) 272-9797  
Facsimile: (571) 273-0042



Applicant: Lifson  
Application No.: 09/921,334  
Filed: 08/03/01  
For: Pulsed flow for capacity control

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,288.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

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Sally C. Medley  
Administrative Patent Judge

Filed by: Sally C. Medley  
Administrative Patent Judge  
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Fax: 571-273-0042

Filed  
16 February 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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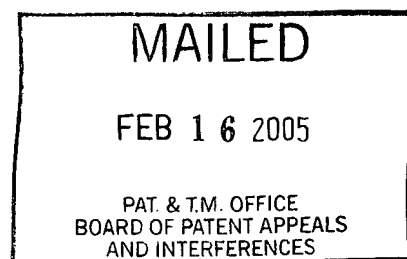
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JEAN-LUC CAILLAT  
Junior Party  
(Patent 6,206,652),

v.

ALEXANDER LIFSON  
Senior Party  
(Application 09/921,334).



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Patent Interference No. 105,288

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**DECLARATION**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

### **Part B. Judge managing the interference**

Administrative Patent Judge Sally C. Medley has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

### **Part C. Standing order**

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

The Board is conducting a DVD pilot project. A copy of the procedure is attached to this order.

### **Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **1:30 p.m. on 13 April 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER<sup>1</sup>. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

The Board is conducting an electronic filing pilot project. A copy of the procedure is attached to this order. Counsel should be prepared to discuss participation in the pilot project.

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<sup>1</sup> Default times for time periods 1-10 are attached.

## **Part E. Identification and order of the parties**

### Junior Party

Named inventor: JEAN-LUC CAILLAT, Dayton, Ohio

Patent: 6,206,652, granted 27 March 2001, based on application 09/139,865, filed 25 August 1998

Title: Compressor capacity modulation

Assignee: Copeland Corporation

Accorded Benefit: None

### Senior Party

Named Inventors: ALEXANDER LIFSON, Manlius, New York

Application: 09/921,334, filed 3 August 2001

Title: Pulsed flow for capacity control

Assignee: None

Accorded Benefit: 08/986,447, filed 8 December 1997, now patent 6,047,556, granted 11 April 2000<sup>2</sup>

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

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<sup>2</sup> The involved Lifson application is a reissue application of the benefit application.

**Part F. Count and claims of the parties**

Count 1

Claim 4 of Lifson reissue application 09/921,334

or

Claim 1 of Caillat patent 6,206,652

The claims of the parties are:

Caillat: 1-29

Lifson: 1-19, 21-25 and 27-38

The claims of the parties which correspond to Count 1 are:

Caillat: 1-6, 11, 14-17 and 21-27

Lifson: 4-12, 14, 15, 17-19, 21, 22, 24, 25, 27 and 29-38

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Caillat: 7-10, 12, 13, 18-20, 28 and 29

Lifson: 1-3, 13, 16, 23 and 28

**Part G. Heading to be used on papers**

The heading in SO Form 1 must be used on all papers filed in this interference. See SO

¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Sally C. Medley)

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JEAN-LUC CAILLAT  
Junior Party  
(Patent 6,206,652),

v.

ALEXANDER LIFSON  
Senior Party  
(Application 09/921,334).

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Patent Interference No. 105,288

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**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

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Sally C. Medley  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Form PTO-850 and examiner's write-up  
Copy U.S. Patent 6,206,652  
Copy of claims of application 09/921,334  
Copy of default times for time periods 1-10  
Copy of e-filing pilot project order  
Copy of DVD pilot project order

Revised September 2004

cc (via overnight delivery):

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